

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ALVIN D. CARSON,)
)
Plaintiff,)
)
v.) No.: 3:05-CV-294
) (VARLAN/SHIRLEY)
AJN HOLDINGS and)
THE PEPSI BOTTLING GROUP,)
)
Defendants.)

ORDER

This matter is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley on February 23, 2007 [Doc. 59]. There have been no timely objections to the Report and Recommendation by plaintiff or defendants, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court is in agreement with Judge Shirley's recommendations, which the Court adopts and incorporates into its ruling. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 59] and **DENIES** plaintiff's motion for leave to proceed in forma pauperis [Doc. 56]. Furthermore, because it was incorrectly filed with this Court and not the Sixth Circuit Court of Appeals, plaintiff's motion to proceed on appeal in forma pauperis in the court of appeals [Doc. 60] is **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE